

TOWN OF WESTFIELD

COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD-WASHINGTON TOWNSHIP
 ADVISORY PLAN COMMISSION
 BOARD OF ZONING APPEALS
 ZONING ENFORCEMENT
 BUILDING PERMITS

Meeting Date:	August 20, 2007
Docket Number:	0707-VS-022
Appellant:	Amy Hittle
Property Address:	20831 Anthony Road
Variance of Standard Request:	<i>WC 16.04.030, B1</i> Stables Setback in the AG-SF1 District

EXHIBITS

1. Staff Report	07/16/2007
2. Aerial Location Map	07/16/2007
3. Property Card	06/27/2007
4. Letter of Grant for Variance 93-V-19	08/31/1993
5. Building Permit Application for Stable	03/28/1997
6. Appellant's Application and Plans	06/11/2007

RELATED CASES

0707-VS-021 Side Yard setback – variance request

VARIANCE OF STANDARD REQUEST

This variance of standard request is to legally establish an existing nonconformity. Specifically, this variance of standard request is to reduce the northern side yard setback line for stables from 200 feet to approximately 90 feet and the southern side yard setback lines for stables from 200 feet to approximately 125 feet in the AG-SF1 District (*WC 16.04.030, B1*).

PETITION HISTORY

This petition was scheduled for public hearing at the July 16, 2007 Westfield-Washington Township Board of Zoning Appeals meeting. Due to the lack of a quorum, the July BZA meeting was cancelled. As a result, this item was continued to the August 20, 2007 BZA agenda. Public notice for this item was properly served.

PROPERTY INFORMATION

The subject property is currently approximately 7.25 acres in size (see Exhibit 3). The subject property is located on the west side of Anthony Road and is approximately 1,330 feet north of

the S.R. 38 right-of-way. The subject property is zoned AG-SF1. Currently, the property is being used as a single-family residence.

The subject property is bounded on the north and south by large-lot, rural residential uses. The subject property is bounded on the east (across Anthony Road) and west by agricultural uses. The subject property is adjacent to a heavily wooded area, located to the north and west of the property (see Exhibit 2). Property on all sides is also zoned AG-SF1. The subject property does not fall within any of the Town's overlay districts.

PROPERTY HISTORY

On August 16, 1993, the Westfield-Washington Township Board of Zoning Appeals granted a variance that allowed a second residence on the subject property (93-V-19) (see Exhibit 4). A condition of the approval tied the variance to the specific petitioner of the request, Mr. Peter Miller. The variance was never acted upon, and only one residence exists on the subject property. Mr. Miller no longer owns the subject property; therefore, the approval of variance request 93-V-19 has expired and is no longer applicable to the subject property. Variance 93-V-19 has no impact on this variance request.

There are no additional variances, special exceptions, development plans, subdivision plats, or rezoning cases on record for the subject property.

ANALYSIS

The existing horse stable was constructed in 1997 (97-IP-103). As constructed, the stable was setback from the northern property line by approximately 90 feet and the southern property line by approximately 125 feet. The AG-SF1 standards require stables to be setback 200 feet from all property lines. The subject property is approximately 275 feet in width. The permit application in Exhibit 5 identifies the need for a variance if the structure would be used to house animals, specifically horses in this case. The stable has been erected and in use for approximately ten (10) years, and there are no records of complaints against the subject property or the subject structure.

The subject property meets the AG-SF1 minimum road frontage requirement of 250 feet, and it also meets the minimum lot size requirement of three acres. Stables are allowed by-right in the AG-SF1 District.

The Westfield-Washington Township Comprehensive Plan recommends that this area remain rural in character and use. It is identified as part of the "Rural Northwest and Northeast" component of the future land use plan.

FINDINGS

No variance of standard shall be granted unless the BZA finds all of the following to be true:

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:**

Findings: It is unlikely that the approval of the requested variance of standard would be injurious to the public health, safety, morals, and general welfare of the community. The intent of the setback requirement for stables is to help mitigate from neighboring properties the noise, odors, and other potentially offensive happenings associated with an animal stable. The requested variance seeks to legally establish an existing nonconformity that has been established for approximately ten (10) years. Throughout that timeframe, there has been no record of complaint against the subject property or subject structure. Any negative impact or unsafe situation caused by the existing setback reduction has not been cited or documented. By reducing the setbacks for the existing stable, the public health and safety of the community would not be compromised.

b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

Findings: Relief from the minimum side yard setback standard is not likely to affect the use and value of adjacent properties in a substantially adverse manner. The stable has been erected and in use for approximately ten (10) years, and the Community Development Department has no record of complaint against the subject property or the subject structure. Granting this request would legally establish an existing nonconformity, not further the nonconformity.

c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

Findings: The width of the subject property is approximately 275 feet. In order for any AG-SF1 lot to be suitable for a stable, the lot width would have to be greater than 400 feet in width. The constraints of the property's configuration render it impossible to meet the setback requirements for stables and result in the creation of a practical difficulty through circumstance outside of the Appellant's control.

NOTE: If the Board does not determine ALL findings of fact in favor of the appellant, then it may not legally approve the variance request.

RECOMMENDED CONDITIONS

If the Board approves this variance of standard request, the following condition would be appropriate:

1. That no further encroachment on the north and south side yards occur.

Aerial Location Map

20831 Anthony Road

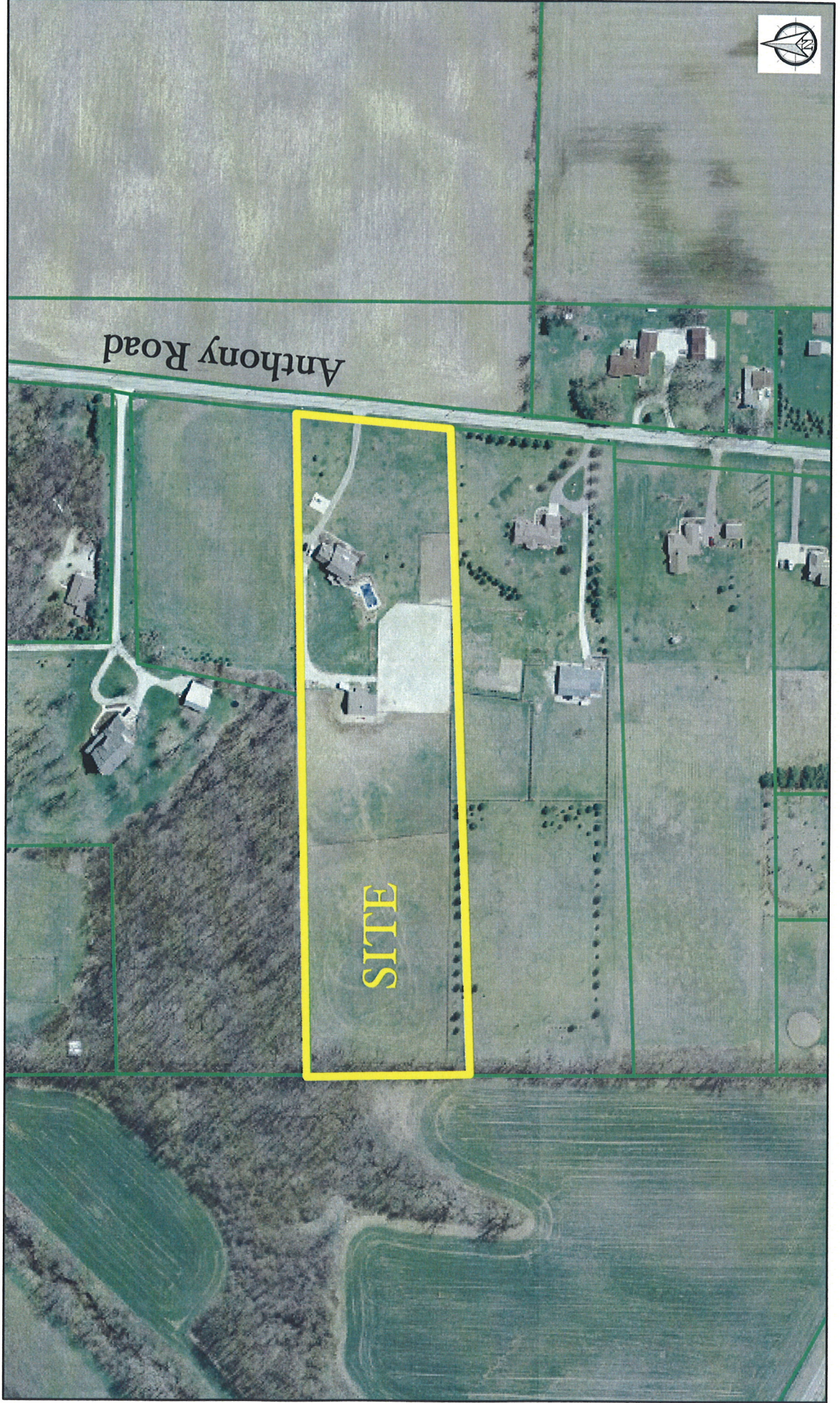


EXHIBIT 3

co.HAMILTON.in.us

Official government site of Hamilton County, Indiana

Online Se

Property Card Report

1. report type

Reset

2. property search

new search

3. view reports

general parcel info.

spring tax statement

tax payments

property card

fall tax statement

Disclaimer:

This program allows you to view and print certain public records. Each report reflects information as of a specific date; so the information different reports may not match. All information has been derived from public records that are constantly undergoing change and is not warranted for accuracy. It may not reflect the current information pertaining to the property of interest.

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Any, and all information contained on this web site report is the result of assessment data extracted on the most recent taxable year - March 1, 2006. Improvement characteristics may differ from those used to determine the total assessed value listed.

Summary Information - Parcel Number: 08-06-18-00-00-013.002

Property Data

Parcel Location	20831 ANTHONY RD, NOBLESVILLE
Taxing Unit	Washington
Legal Description	12/6/93 FR SHARP 9360120 AUD 10/6/00 FR MILLER 2000-50220
Section/Township/Range	S18 T19 R04
Subdivision Name	NULL
Lot and Block	Lot Block
Acres	7.25
Effective Frontage	
Effective Depth	
Property Class	Cash Grain/General Farm

Exterior Features and Out Buildings

1 Attached Garage, 1 Concrete Apron, 1 Pool, 1 Barn, 1 Utility Shed,
1 Bay, 1 Concrete Patio, 3 Open Frame Porch, 1 Wood Deck,

Property Owner as of April 29, 2006

Kontos, Thomas & Rhonda S

Most Recent Valuation as of March 1, 2006

Assessed Value: Land	57100
Assessed Value: Improvements	273900
Total Assessed Value:	331000

Building 1, Card ID R01

Physical Characteristics

Story Height	2.0
Attic	none
Basement	full
Crawl	none
Year Built	1993

Floor Construction

2.0 (second)	Sub and joists
Basement	Slab
1.0 (first)	Sub and joists
1.5 (half upper)	Sub and joists

Floor Finish

2.0 (second)	Carpet, Vinyl tile
Basement	Unfinished, None
1.0 (first)	Carpet, Vinyl tile
1.5 (half upper)	Carpet, Carpet

Exterior Cover

2.0 (second)	Wood siding
Basement	Masonry

Accommodations

Finished Rooms	8
Bedrooms	4

Heating and Air Conditioning

Primary Heat	YES
Air Conditioning	YES

Plumbing

Full Baths	2
Partial Baths	1

Fireplace

Fireplace Stacks	YES
------------------	-----

Basement Rec Room

Rec Room Type	
Rec Room Square Footage	0

Area/Square Footage (based on exterior eave to eave area)

Building Level	Base Area	Approx. Area
2.0 (second)	1215	1215
Basement	1133	0

1.0 (first)	Wood siding	1.0 (first)	1133	1133
1.5 (half upper)	Wood siding	1.5 (half upper)	576	576
Interior Finish		Garage		
2.0 (second)	Drywall	Garage Type	Framed	
Basement	None	Garage Square Footage	576	
1.0 (first)	Drywall			
1.5 (half upper)	Drywall			

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EXHIBIT 4

COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD-WASHINGTON TOWNSHIP

PLAN COMMISSION

BOARD OF ZONING APPEALS

August 31, 1993

Peter Miller
7738 Bayhill Drive
Indianapolis, IN 46236

FILE COPY

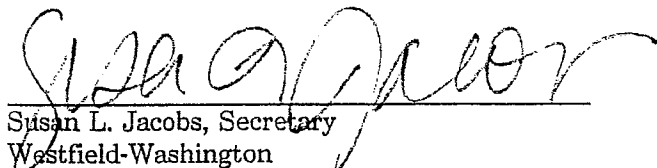
Dear Mr. Miller:

The Westfield-Washington Board of Zoning Appeals met August 16, 1993 at the Westfield City Building. After hearing case number 93-V-19, a motion was made to approve the plans as submitted, with the following conditions:

1. For this petitioner only.
2. The approval applies to the submitted plan only.
3. The use of the guest house is limited to family members of petitioner.

At the appropriate time, someone may come to the office to obtain the necessary permits. Feel free to call between the hours of 8:00 A.M. and 4:30 P.M. if you have any questions.

Sincerely,



Susan L. Jacobs, Secretary
Westfield-Washington
Board of Zoning Appeals

c.c: File

EXHIBIT 5

Multi-Jurisdiction Improvement Location Permit Application

Permit App. No. 97-1P-103

Atlanta, Arcadia, Carmel, Fishers, Hamilton County, Noblesville, Sharidan, & Westfield

Date Filed: 3-28-97

Location of Construction Activity:

Lot Number: _____ in Section _____ of _____ Addition.

Street Number and Name: 20831 ANTHONY ROAD
NOBLESVILLE, IN 46060

Township/Jurisdiction: WESTFIELD-WASH TWP Parcel Number: 08-06-18-00-00-013.000

If property does not include one or more lots in a subdivision, the plat of which has been recorded in the Office of the County Recorder, a legal description of the property must be attached.

Is the subject property in a special flood hazard area, as established by the Federal Emergency Management Agency - National Flood Insurance Program, as per flood insurance rate map (check appropriate box).

☒ Yes ☐ No Panel number: _____ If Yes, flood zone: _____Type of Sewage Disposal (check appropriate box):
☐ Public System ☐ Private SystemType of Water Supply (check appropriate box):
☐ Public System ☐ Private Well

If public, name of system: _____

If public, name of system: _____

If private, septic permit number: _____

If private, well permit number: _____

Current Zoning Classification of property: AG-SF1

Current use of property: SPA/ATT GAR

Owner/Applicant:

Name: PETER MILLER

Telephone: 867-8244 (w) 877-1462(H)

Mailing Address: 20831 ANTHONY ROAD
NOBLESVILLE, IN 46060

Builder/Contractor:

Name: _____

Telephone: _____

Mailing Address: _____

License Number: _____

Intended/Proposed Use

Residential

- ☒ One-Family
☐ Two-Family
☐ Multi-Family: # of units _____
☐ Modular Home
☐ Mobile Home
☐ Attached Addition: Use _____
☐ Detached Addition: Use _____
☐ Other: _____

Non-Residential

- ☐ Retail Commercial
☐ Office/Professional
☐ Hotel/Motel
☐ Industrial
☐ Institutional
☐ Accessory Building
☐ Structure other than a Building
☐ Other: _____

Type of Improvement

- ☒ New Structure
☐ Addition
☐ Alteration, Remodel, or Repair
☐ Commercial Tenant Space
☐ Primary Agricultural Structure
☐ Foundation Only
☐ Electrical Upgrade
☐ Demolition
☐ Swimming Pool
☐ Accessory Structure
☒ Garage: Detached? Attached?
☐ Deck or Porch
☐ Fence
☐ Roofing
☐ Site-Land Improvements
☐ Sign
☐ Other: _____

Building Information:

Dimensions	Submitted by Applicant	Required by Ordinance	Does it Conform?
Frontage	275.15'	250'	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Lot Width	275.15'	N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Lot Depth	N/A	N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Lot Area	7.25 ACRES	3 ACRES	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Floor living area	2,400 sq ft	800 sq ft	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Max. Building Height	N/A	35'	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total Sq. footage (including basement)	2,400 sq ft	N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Front Yard (ft.) EXISTING 80' ☒ Yes ☐ NoRear Yard (ft.) 630' + 30' ☒ Yes ☐ NoSide Yards (NE 125' SW 125' SE 30' SW 30') ☒ Yes ☐ NoType of Heating Fuel: ☐ Electric ☐ Gas ☐ GeoTher. ☐ Oil ☐ Solar ☐ WoodType of Water Heat: ☐ Electric ☐ Gas ☐ GeoTher. ☐ SolarFireplace: ☐ Electric ☐ Gas ☐ WoodIs there Central Air Conditioning? ☐ Yes ☒ NoIs there a Basement? ☐ Yes ☒ NoRoof Truss, Manufactured? ☐ Yes ☒ NoType of Frame: ☐ Masonry ☐ Metal ☐ Post/Beam ☐ Wood ☐ Other _____

Certification and Notice of Intent to Comply:

I hereby certify that I have the authority to make the foregoing application, that the application is correct, and that construction will comply with, and conform to, all applicable laws of the State of Indiana.

I further certify that the construction will conform to the regulations in the Building Code, the Zoning Ordinance, or private, of the governing jurisdiction, which may be imposed on the above property by deed.

I further certify that the construction will not be used or occupied until proper certificates of occupancy and compliance are filed with the governing jurisdiction.



Multi-Jurisdiction Improvement Location Permit Application

Town of Westfield - Washington Township, Indiana

Permit App. No. 97-1P-103

Date Filed: 3-28-97

Required Attachments:

Properties within corporate city limits:

1. ☐ Legal description of property.
2. ☐ Two sets of site plans showing:
 - A. Property lines on all sides.
 - B. Location of existing structures on property with dimensions to property lines.
 - C. Size of existing structures.
 - D. Location of right-of-way and utility easements where applicable.
 - E. Subdivision lot number / street address.
3. ☐ Two sets of blueprints of the work showing:
 - A. Foundation plan.
 - B. Floor plan of each floor showing window locations, door locations, etc.
 - C. Cross section drawing of structure showing footing through shingles denoting sizes or thickness of all members used in construction.

Properties in Washington Township must include the following in addition to the prior list of documentation:

1. ☐ Hamilton County Health Department approval stamp on floor plans.
2. ☐ Septic system permit and well permit (new construction only) from:
 - A. Hamilton County Health Department, or
 - B. Hamilton Western Utilities, or
 - C. Proof of connection to State approved private utility.
3. ☐ Driveway cut application from Hamilton County Highway Department.

Variance Number: 93-V-19

Plan Commission Number: _____

Fees

Permit Fees: \$179.00 (INCL C.O.F.D.)

Impact Fees: _____

Water Fees: _____

Sewer Fees: _____

Inspection Fees: 70.00 (2 INSPECTIONS)

Other Fees: _____

Total: \$249.00

Staff Comments

SEE: 93-1P-321 - SFR/ATT GAR

NOTE: A VARIANCE MUST BE OBTAINED IF THIS BARN IS TO HOUSE HORSES AS THE REQUIRED 200' SETBACK HAS NOT BEEN MET. (SEE ATTACHED)

- FOOTING W/ 14" DIAMETER & 3" THICKNESS REQ'D FOR 6"x6" POSTS

Construction Approval Stamp:

APPROVED

Subject To All Building And Zoning Ordinances.

DATE 3-28-97

BY [Signature]
Building Commissioner
Westfield-Washington Twp

Do not issue this permit without a proper stamp!

2,400 sq BARN

Community Development Department * Town of Westfield - Washington Township, Indiana

Post Office Box 322 * 130 Penn Street

Westfield, Indiana 46074

Phone: (317) 896-5577

Fax: (317) 896-2791



TOWN OF WESTFIELD, INDIANA

EXHIBIT 6

Petition Number:

Date of Filing:

0707-VS-021

0707-VS-022

06/11/07

Application for VARIANCE OF DEVELOPMENT STANDARD
Westfield – Washington Township
Board of Zoning Appeals (BZA)

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name Amy R. Hittle
Address 20831 Anthony Rd.
Noblesville, IN 46062
Telephone Number 317.877.9884
E-Mail Address amychittleconstruction.net
2. Landowner's Name same
Address _____
Telephone Number _____
3. *Representative Justin R. Rusher
*Address 7835 W. 200 S
Lapel, IN 46052
*Telephone Number 317.710.4398
*Email Address justinchittleconstruction.net

*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

4. Common description of property (address, location, etc.)
20831 Anthony Rd.
5. Legal description of property (list below or attach)
see attached
6. Complete description of the nature of the development standard variance applied for:
WC 16.04.030, B1 b (side yard set back)
WC 16.04.030, B1 (min. set back for existing stable)

TOWN OF WESTFIELD, INDIANA

7. **ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE.** Site plans must accompany this application and must depict at a minimum:
- Lot(s) shape and dimensions;
 - Location and dimensions of existing and proposed structures;
 - Location and dimensions of existing and proposed points of ingress and egress; and
 - All topographic and natural features and/or other unusual characteristics associated with the property.
8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

No variance of development standard shall be granted unless the BZA finds all of the following to be true:

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

No

- b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

Property adjacent is a wooded area so location of barn would not affect use or value of adjacent property

- c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

The existing gravel would be used as access to new structure, the usefulness of the existing barn would be less if it was moved south or west. The septic plays into affect if it were to be moved forward. If moved farther back drainage would also have to be diverted.

TOWN OF WESTFIELD, INDIANA

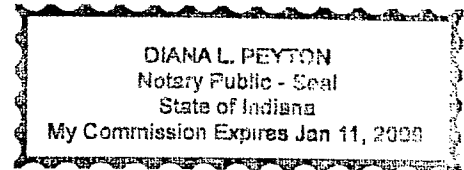
The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.

Amy K. Little
Applicant

SUBSCRIBED AND SWORN TO ME THIS 11 DAY OF June, 20 07.

Diana L. Peyton
Notary Public

My commission expires: _____



...ation of the two
...ing of solid thin
... a Cast.

Had two of each color described in Instrument Number 0122303
 Old used the farm type faces approximately on the

4012620' W 813.910 (D=0.0)

Thorne and Rhonda S. Kortes (MGM)
(Inventor 2000-2020)

7.184 Acres, ±

5' set back

- removing 10x10 shed

Dead 1982 focus approximately on last
 focus segment at 0.30°
 North of Recovery Line
 S 88.48°26' W 1128.95± (Dead)
 S 88.48°26' W 1128.05° (Measured)

William D. Beck
(Instrument 200000050689)

- 1.) As used on this survey, *entity* means an estate or decedent's professional opinion of conditions existing at death, such as feelings which are not subject to the certification and does not constitute a warranty of accuracy, either expressed or implied.
- 2.) This survey was prepared utilizing information placed in Schedule A and Schedule B of a commitment letter that insurance issued by Western & Associates, Inc. on April 19, 1997 for Steward Trust Company effective August 1, 2003 as Commitment No. DD233825 Revised 1.
- 3.) The zoning classification and its requirements as established by governmental agency have not been shown on this survey plot.

4.3) Based on a careful interpretation of DODS BROWARD PLATE MAPS NUMBERED 10000, 10001, 10002, 10003, 10004, C, for the Town of Unifield, Indiana, as related to July 11, 1912, the author described said estate is NOT located in Specific Flood Hazard Area Zone A as indicated by the Federal Emergency Management Agency for the National Flood Insurance Program. The map of any flood hazard statement shown on this survey plot is subject to the actual and to any future flood certification and notification shown on the above referenced Flood Insurance Rate Map. Flood Insurance Rate Maps, and shall not be construed as a confirmation or denial of flooding potential.

o. My main occupation and/or information supplied by the Office of the Hamilton County Drainage Board and/or the Office of the Hamilton County Surveyor, as legal (regulated) legal drains directly cross the within surveyed road estate.

6.) Underground utilities servicing the within described parcel of real estate were NOT located for this survey. The location of underground utility service may be obtained by contacting The Underground Protection Agency at 1-800-362-5544.

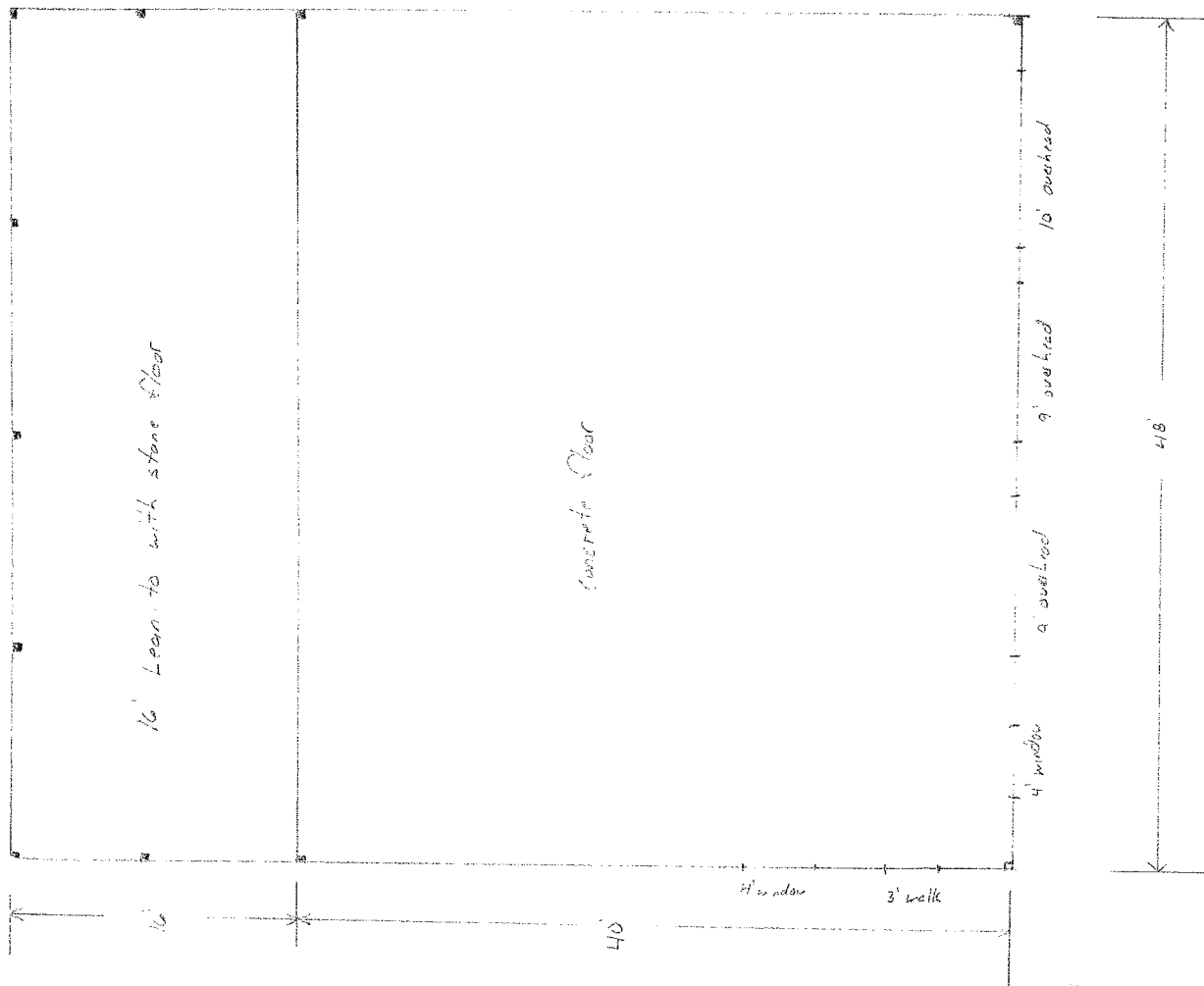
2.) Possession/into are tolerated of monumental carvings only Possession/occupation their may vary between acid monumental centers.

Date: October 21, 2000

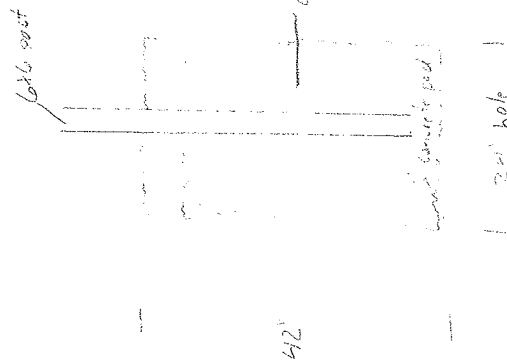
Edward H. Teller

LIBRARY OF THE
MICHIGAN STATE UNIVERSITY
EAST LANSING, MICHIGAN 48824

48'



14.6" eaves
42" pitch



Emerald Green Ridgecap & Profile Vent

Colored Neoprene Washer Screws for the Roof (Best)

Colored Neoprene Washer Screws for the Walls (Best)

2X8 CCA Grade Board

Bottom Trim, Eave Trim, 6" Fascia Trim

No Front Sidewall Overhang, 12" Back Sidewall Overhang

12" Front Endwall Overhang, 12" Back Endwall Overhang

Emerald Green Soffit Color

Inside Closure Strips

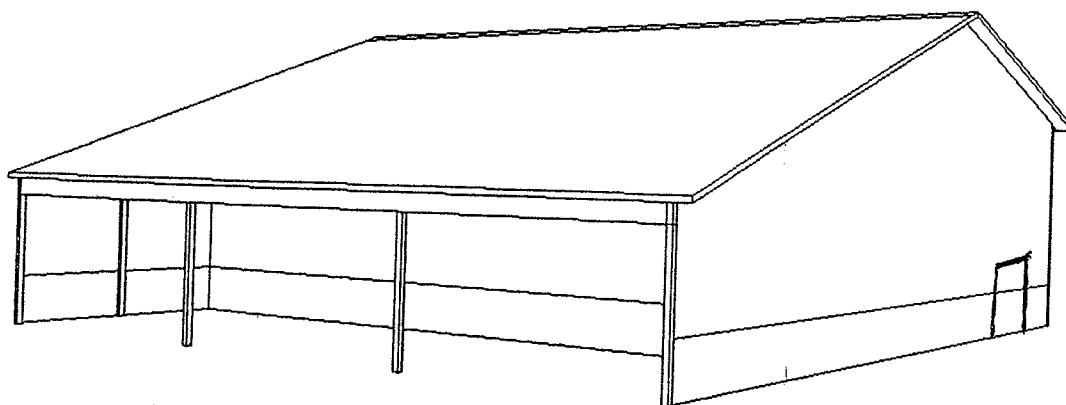
3 - Insulated Ribbed White Overhead Door(s)

Contractor Trim For Overhead Door(s)

Custom Mini-Print To Aid In Construction

view:

*Back View
N*



*16' lean two
Building*

idewall :

- No Doors

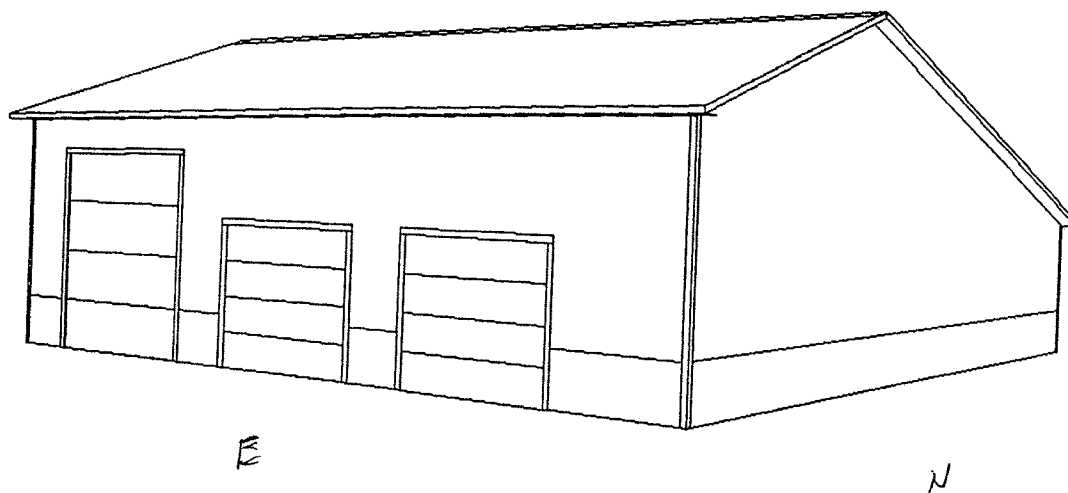
Endwall :

- No Doors

Si

Front View:

Front



Sidewall :

- 10' x 12' Overhead 48" DP
- 9' x 8' Overhead 216" DP
- 9' x 8' Overhead 372" DP

Endwall :

- No Doors

* DP ==> (D)oor (P)lacement, from the left side of the wall (in inches).

Customized to your specifications at the Building Materials counter.
Member for details!

Exhibit "A"

File No. 120702040

A part of the East half of the Southeast Quarter of Section 18, Township 19 North, Range 4 East located in Washington Township, Hamilton County, Indiana described as follows:

Commencing at an iron rod marking the point of intersection of the North line of the Southeast Quarter of Section 18, Township 19 North, Range 4 East and the center line of Anthony Road, said iron rod being South 88 degrees 48 minutes 26 seconds West (assumed bearing) 81.84 feet from the Northeast corner of said Southeast Quarter; thence South 04 degrees 05 minutes 16 seconds West 933.96 feet on and along the centerline of Anthony Road to a P.K. Nail marking the point of beginning of this description; thence South 04 degrees 05 minutes 16 seconds West 275.15 feet on and along the centerline of Anthony Road to a P.K. Nail; thence South 88 degrees 48 minutes 26 seconds West 1128.95 feet, more or less, parallel with the North line of said Southeast Quarter to a 5/8" iron rod with yellow cap stamped S0083 on the West line of a tract of real estate described in Instrument Number 9122393; thence North 01 degrees 26 minutes 24 seconds West 273.98 feet more or less, on and along said West line to a 5/8" iron rod with yellow cap stamped S0083 which bears South 88 degrees 48 minutes 26 seconds West from the point of beginning; thence North 88 degrees 48 minutes 26 seconds East 1155.45 feet, more or less parallel with the North line of said Southeast Quarter to the point of beginning.

WARRANTY DEED

THIS INDENTURE WITNESSETH, That Thomas Kontos and Rhonda S. Kontos, Husband and Wife (Grantor) **CONVEY(S) AND WARRANT(S)** to Amy R. Hittle (Grantee) for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate in Hamilton County, State of Indiana:

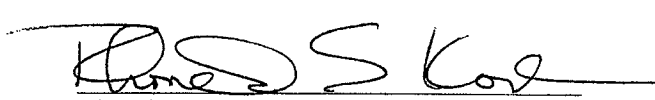
SEE ATTACHED EXHIBIT "A"

Property Address: 20831 Anthony Rd., Noblesville, IN 46062

Subject to current taxes not delinquent, and all easements, agreements and restrictions of record and all public rights of way.

IN WITNESS WHEREOF, Grantor has executed this deed on the 15th day of May, 2007

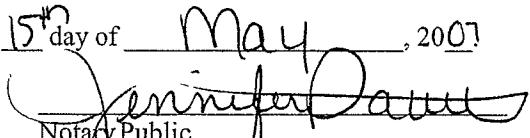

Thomas Kontos



Rhonda S. Kontos

STATE OF INDIANA)
) SS.
COUNTY OF Hamilton)

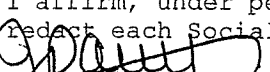
Before me, a Notary Public in and for said County and State, personally appeared Thomas Kontos and Rhonda S. Kontos, who acknowledged the execution of the foregoing deed.

Witness my hand and notarial seal on the 15th day of May, 2007


Notary Public _____
Resident of _____ County
My Commission expires: _____

 JENNIFER L. PATTERSON
Resident of Madison County
Commission Expires 03/16/2014
Send Tax Bills to:
20831 Anthony Rd
Noblesville IN 46062

Prepared by:
Robert R. Thomas, Attorney at Law
540 Westfield Rd., Noblesville, IN 46060

I affirm, under penalties for perjury, that I have taken reasonable care to correct each Social Security number in this document, unless required by law

File No. 120702040